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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,631	05/09/2006	James Jago	US030465US	1444
28159	7590	02/01/2008	EXAMINER	
PHILIPS MEDICAL SYSTEMS			ROZANSKI, MICHAEL T	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS				
P.O. BOX 3003			ART UNIT	PAPER NUMBER
22100 BOTHELL EVERETT HIGHWAY			3768	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/578,631	JAGO, JAMES	
	Examiner Michael Rozanski	Art Unit 3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 November 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
 - 4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 7-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 May 2006 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>5/9/06</u>	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Election/Restrictions

Claims 1-6 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group I, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 11/13/07.

Claim Objections

Claim 11 is objected to because of the following informalities: Claim 11 should start on a separate line from claim 10. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Urbano et al (US 5,976,088).

Urbano et al disclose a system and method for obtaining ultrasound imaging data at an adjustable collection image frame rate, as well as an adjustable acquisition rate. A transducer 14 forms a plurality of scan lines 16, which are processed by ultrasound image processor 20 and viewed on display 22 as a succession of image frames (col 3, lines 45-61). The invention is particularly useful for imaging anatomical structures that exhibit periodic motion, wherein capturing image data is controlled using an EKG (col 4, lines 16-23). Urbano et al disclose two different schemes for matching the frame rate more closely with the rate of motion of the anatomical structure. The first scheme matches the collection frame rate more closely with the rate of motion of the anatomic structure. In this scheme, successively acquired image frames 152 are continuously compared using a conventional scheme to determine the amount of difference between the successive images. If there are a small number of differences, then the effective frame rate is reduced (col 10, lines 44-61). Frame rates are set based on threshold mean differences (col 14, lines 3-23). Furthermore, another scheme may be used which matches the acquisition and collection frame rate more closely with the rate of motion of the anatomic structure (col 8, lines 56-64).

Claims 7-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Robinson (US 6,544,177 –cited by Applicant).

Robinson discloses an ultrasonic diagnostic system including a scanhead 100 having a transducer array 102 that transmits beams at different angles over an image field. Transmission of beams is controlled by transmitter 104 which, along with

beamformer 106, are operated under control of system controller 108, which in turn is responsive to the settings of controls on a user interface 120 operated by a user (col 5, lines 44-65). Images are displayed on image display 150 (see figure 7). The number of acquired ultrasonic images that are compounded to form a spatially compounded image is varied in response to changes in system operating parameters initiated directly or indirectly by the system user. The controller 108 receives a minimum value of the number of frames over time. This acquisition frame rate is a first operating parameter that has corresponding operating parameters including image display depth and number of frames in compound image, which are all varied to maintain the display rate of the compounded image at more than ten frames per second. For example, as shown in Table 1, increasing the display depth from 2 cm (which corresponds to acquisition frame rate of 100 Hz –a minimum value to maintain the compound display rate for image quality) to 4 cm causes the frame rate to decrease to 50 Hz (col 9, lines 14-35). Furthermore, the frame rate is determined by digital signal processors 160 which are responsive to changes in other system control parameters including number of transmit focal zones (wherein a greater number of zones decreases the frame rate) and mode of operation (col 7, lines 8-54).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Rozanski whose telephone number is 571-272-1648. The examiner can normally be reached on Monday - Friday, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MR
MR


ERIC F. WINAKUR
PRIMARY EXAMINER